



(4) Antor shall not assert at any time that any inaction by the Patent Office during this two-month continuance represents delay by the Patent Office or supports its position that a stay should not be granted; and

(5) The scheduling order (Dkt. No. 181-2) is hereby amended as follows:

**AMENDED SCHEDULING ORDER**

<b>STEP</b>	<b>EVENTS</b>	<b>RELEVANT PROVISION</b>	<b>Current Dates</b>
1	Initial Case Management Conference	Patent L.R. 2-1; FRCP 26(f)	1/9/08
2	Initial Disclosures	FRCP 26(a)(1)	2/8/08
3	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions of a reasonable number of representative claims	Patent L.R. 3-1	2/22/08
4	Patentee makes Document Production Accompanying Disclosure	Patent L.R. 3-2	2/22/08
5	Accused Infringers serve Preliminary Invalidity Contentions	Patent L.R. 3-3	7/25/08
6	Accused Infringer makes Document Production Accompanying Preliminary Invalidity Contentions	Patent L.R. 3-4	7/25/08
7	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court.		6/6/08
8	All parties make Exchange of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(a)	6/27/08
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(b)	8/25/08
10	Deadline for early mediation at the		7/25/08

<b>STEP</b>	<b>EVENTS</b>	<b>RELEVANT PROVISION</b>	<b>Current Dates</b>
	Parties' request		
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2	9/3/08
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2(c)	9/15/08
13	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L.R. 4-3	9/19/08
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions.		9/12/08
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for dispositive motions.		9/12/08
16	Completion of Claim Construction Discovery	Patent L.R. 4-4	10/3/08
17	Patentee files opening claim construction brief	Patent L.R. 4-5(a)	10/10/08
18	Accused Infringer files responsive claim construction brief	Patent L.R. 4-5(b)	11/7/08
19	Patentee files reply brief on claim construction	Patent L.R. 4-5(c)	11/21/08
20	ONLY WITH LEAVE OF COURT Accused infringer files sur-reply brief on claim construction		12/12/08
21	Parties file Joint Claim Construction Chart	Patent L.R. 4-5(d)	12/19/08
22	Pre-hearing Conference and technical tutorial if necessary		

<b>STEP</b>	<b>EVENTS</b>	<b>RELEVANT PROVISION</b>	<b>Current Dates</b>
23	Claim Construction Hearing	Patent L.R. 4-6	1/22/09
24	Court's Claim Construction Ruling		On or about (3 weeks after 23) subject to the Court's scheduling and/or use of a technical advisor
25	Patentee makes Final Infringement Contentions	Patent L. R. 3-6(a)	On or about 30 days after claim construction ruling
26	Accused Infringer serves Preliminary Unenforceability Contentions		On or about 40 days after claim construction ruling
27	Accused Infringer makes Document Production Accompanying Preliminary Unenforceability Contentions		On or about 40 days after claim construction ruling
28	Accused Infringer makes Final Invalidity Contentions	Patent L.R. 3- 6(b)	On or about 60 days after claim construction ruling
29	Accused Infringer makes disclosure relating to willfulness	Patent L.R. 3-8	On or about 60 days after claim construction ruling
30	Accused Infringer makes Final Unenforceability Contentions		On or about 80 days after claim construction ruling
31	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pretrial		On or about 100 days after claim

<b>STEP</b>	<b>EVENTS</b>	<b>RELEVANT PROVISION</b>	<b>Current Dates</b>
	conference		construction ruling
32	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof	FRCP 26(a)(2) L.R. CV-26(b)	On or about 120 days after claim construction ruling
33	Deadline for disclosure of rebuttal expert testimony	FRCP 26(a)(2) L.R. CV-26(b)	On or about 150 days after claim construction ruling
34	Deadline for late mediation at the Parties' request		
35	Deadline for completion of expert discovery		30 days after rebuttal expert testimony
36	Deadline for objections to other parties' expert witnesses		After 35
37	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before the initial pretrial conference		7/3/09
38	Deadline for filing all Daubert motions		7/3/09
39	Deadline for parties to make pretrial disclosures	FRCP 26(a)(3)	8/14/09
40	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		8/14/09
41	Defendant and Third parties to Provide to Patentee their information for Joint Final Pretrial Order,		8/14/09

STEP	EVENTS	RELEVANT PROVISION	Current Dates
	Proposed Jury Instruction and Verdict Form		
42	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibit and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations, and exhibits.		8/24/09
43	Initial Pretrial Conference		9/21/09
44	Final Pretrial Conference before Judge David Folsom		10/5/09
45	Jury Selection before Judge David Folsom		

**SIGNED this 28th day of February, 2008.**



DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE